

**A RESOLUTION BY
CITY UTILITIES COMMITTEE**

A RESOLUTION APPROVING THE DEPARTMENT OF PUBLIC WORKS' USE OF THAT CERTAIN SECTION OF CHASTAIN PARK ALONG POWERS FERRY ROAD FOR THE PURPOSE OF WIDENING THE BRIDGE OVER NANCY CREEK AND MAINTAINING THE SAME IN PERPETUITY, AND FOR THE PURPOSE OF PLACING AND MAINTAINING A DRAINAGE SYSTEM IN PERPETUITY, WHEREBY SAID DPW USE SHALL NOT INTERFERE WITH THE USE OF SAID PROPERTY AS PARKLAND; AND FOR OTHER PURPOSES.

WHEREAS, the Department of Public Works ("DPW") is in the process of soliciting bids to improve the existing bridge on Powers Ferry Road over Nancy Creek; and

WHEREAS, said improvements will include the creation of a permanent drainage system, the reservation of a ten foot shoulder of land and the creation of bicycle lanes, resulting in the need to widen the existing bridge; and

WHEREAS, DPW requires additional property to widen and maintain the bridge, and to place and maintain a permanent drainage system ("Bridge Use Property"), and requires additional property upon which it needs the temporary right of access during and for the purpose of construction of the widened bridge and drainage system ("Temporary Use Property"). The Bridge Use Property and Temporary Use Property are both located inside of Chastain Park, and are described and delineated on the drawing attached hereto as EXHIBIT "A" and made a part hereof by reference; and

WHEREAS, Chastain Park is owned by the City of Atlanta and is in the purview of the Department of Parks, Recreation and Cultural Affairs ("Parks"). Chastain Park is dedicated parkland and as such, its use may not be changed unless it is abandoned in fact; and

WHEREAS, Parks is agreeable to granting DPW the right to permanently utilize the Bridge Use Property to widen and maintain the bridge and construct and maintain the drainage system, as long as such use does not interfere with the use of Chastain Park as parkland; and

WHEREAS, Parks is agreeable to granting DPW the right to temporarily utilize the Temporary Use Property during and for the purpose of construction of the bridge expansion and drainage system, with the understanding that such use shall cease after the construction is finalized; and

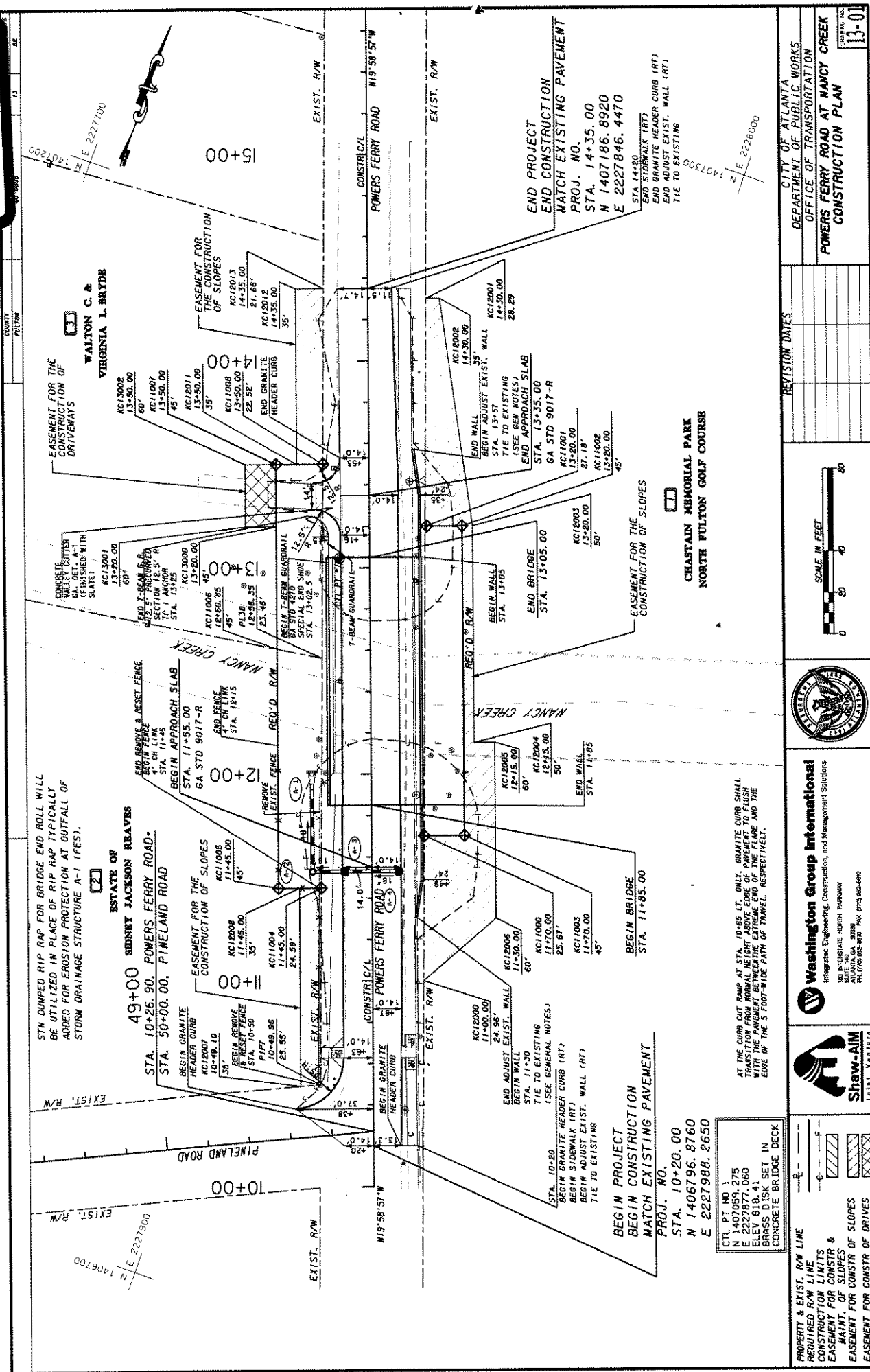
WHEREAS, it is in the best interest of the City to allow DPW's use of the Bridge Use Property and the Temporary Use Property, as long as such use does not cause this

property to be added to DPW's inventory. The Bridge Use Property and Temporary Use Property must remain dedicated parkland that is within the inventory of the Department of Parks, Recreation and Cultural Affairs.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the City hereby approves and authorizes the Department of Public Works' permanent use of the Bridge Use Property for the purpose of having a newly widened bridge on Powers Ferry Road over Nancy Creek and maintaining the bridge, and for the purpose of permanently placing and for maintaining a permanent drainage system. Use of said property by DPW shall not interfere with the use of Chastain Park as parkland. The City hereby further approves and authorizes DPW's temporary access to and use of the Temporary Use Property for the sole purpose of constructing the widened bridge and drainage system. DPW shall terminate its temporary use upon the completion of said construction.

BE IT FURTHER RESOLVED, that DPW's use of the Bridge Use Property and Temporary Use Property shall not cause this property to be added to DPW's inventory. The Bridge Use Property and Temporary Use Property shall remain part of Chastain Park, shall remain dedicated parkland, and shall remain within the inventory of the Department of Parks, Recreation and Cultural Affairs.

BE IT FINALLY RESOLVED, that all resolutions in conflict herewith are hereby repealed for purposes of the Resolution only, and only to the extent of the conflict.



Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development and Human Resources Committee

Caption: A RESOLUTION APPROVING THE DEPARTMENT OF PUBLIC WORKS' USE OF THAT CERTAIN SECTION OF CHASTAIN PARK ALONG POWERS FERRY ROAD FOR THE PURPOSE OF WIDENING THE BRIDGE OVER NANCY CREEK AND MAINTAINING THE SAME IN PERPETUITY, AND FOR THE PURPOSE OF PLACING AND MAINTAINING A DRAINAGE SYSTEM IN PERPETUITY, WHEREBY SAID DPW USE SHALL NOT INTERFERE WITH THE USE OF SAID PROPERTY AS PARKLAND; AND FOR OTHER PURPOSES.

Council Meeting Date: July 16, 2007

Requesting Dept.: Department of Public Works / Department of Parks, Recreation and Cultural Affairs

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislative request is to secure authorization approving the Department of Public Works use of that certain section of Chastain Park along Powers Ferry Road for the purpose of widening the bridge over Nancy Creek and maintaining the same in perpetuity, and for the purpose of placing and maintaining a drainage system in perpetuity whereby the Department of Public Works use shall not interfere with the use of said property as Parkland on behalf of the Department of Parks, Recreation and Cultural Affairs.

2. Please provide background information regarding this legislation.

The City of Atlanta, Department of Public Works is currently soliciting public bids so as to improve an existing bridge on Powers Ferry Road over Nancy Creek and the improvements include the creation of a permanent drainage system, the reservation of a ten foot shoulder of land and the creation of bicycle lanes resulting in the need to widen the existing bridge. Public Works requires that additional property to widen and maintain the bridge, and also to place and maintain a permanent drainage system ("Bridge Use Property") and requires additional property which it needs a temporary right of access during and for the future construction of the widened bridge and drainage system ("Temporary Use Property") which are located inside the Chastain Park that is owned and operated by the Department of Parks, Recreation and Cultural Affairs and is dedicated a Parkland and as such, its use may not be changed unless it is abandoned.

This paper will grant Public Works the right from the Department of Parks, Recreation and Cultural Affairs to permanently utilize the Bridge Use Property so as to widen and maintain the bridge and construct and maintain the drainage system, as long as such does not interfere with the use of Chastain Park as parkland. In conclusion, the

Bridge Use Property and Temporary Use Property must remain dedicated parkland that is within the inventory of the Department of Parks, Recreation and Cultural Affairs.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** N/a
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. Fund Account Center N/a

5. Source of Funds: N/a

6. Fiscal Impact: N/a

7. Method of Cost Recovery: N/a

This Legislative White Paper Form Was Prepared By: Debra F. Harris, M.A.

Departmental Contracting Officer/Legislative Liaison, Department of Parks, Recreation and Cultural Affairs

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Terri Grandison

Terri Grandison

Contact Number: x 6946

Originating Department: Public Works

Committee(s) of Purview: City Utilities, Community Development, Public Safety, Transportation, Finance Executive, Zoning Committee

Council Deadline: June 25, 2007

Committee Meeting Date(s): July 10-11, 2007 Full Council Date: July 16, 2007

Commissioner Signature

Deanne Harrell

Chief Procurement Officer's Signature

CAPTION

A RESOLUTION APPROVING THE DEPARTMENT OF PUBLIC WORKS' USE OF THAT CERTAIN SECTION OF CHASTAIN PARK ALONG POWERS FERRY ROAD FOR THE PURPOSE OF WIDENING THE BRIDGE OVER NANCY CREEK AND MAINTAINING THE SAME IN PERPETUITY, AND FOR THE PURPOSE OF PLACING AND MAINTAINING A DRAINAGE SYSTEM IN PERPETUITY, WHEREBY SAID DPW USE SHALL NOT INTEREFERE WITH THE USE OF SAID PROPERTY AS PARKLAND; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: N/A

Mayor's Staff Only

Received by Mayor's Office:

(date)

7.9.07

Reviewed by:

(date)

Submitted to Council:

(date)